

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TAKEDA PHARMACEUTICAL CO., LTD.,
TAKEDA PHARMACEUTICALS NORTH
AMERICA, INC., TAKEDA
PHARMACEUTICALS LLC, AND TAKEDA
PHARMACEUTICALS AMERICA, INC.,

Plaintiffs,

vs.

TWI PHARMACEUTICALS, INC.,

Defendant.

Case No. 3:11-cv-01609 JCS

**[PROPOSED] FINAL JUDGMENT AS TO
TWI PHARMACEUTICALS, INC.**

Judge: Hon. Joseph C. Spero
Courtroom G, 15th Floor

Related Cases: 3:11-cv-00840 (JCS)
3:11-cv-01610 (JCS)

1 This action having come before the Court for a bench trial from June 5 to June 12, 2013;
 2 the issues having been heard and a decision having been rendered:

3 **IT IS HEREBY ORDERED AND ADJUDGED** this 1st day of November, 2013, for
 4 the reasons set forth in the Court's Findings of Fact and Conclusions of Law [D.N. 330] dated
 5 October 17, 2013, that Judgment shall be entered in favor of Plaintiffs Takeda Pharmaceuticals
 6 Co., Ltd., Takeda Pharmaceuticals North America, Inc., Takeda Pharmaceuticals LLC, and
 7 Takeda Pharmaceuticals America, Inc. (collectively, "Takeda"), and against Defendant TWi
 8 Pharmaceuticals, Inc. ("TWi"), on Takeda's claim that TWi's proposed products described in
 9 Abbreviated New Drug Application ("ANDA") No. 202-666 infringe asserted claims 1 and 2 of
 10 U.S. Patent No. 7,737,282 ("the '282 Patent") pursuant to 35 U.S.C. § 271(e)(2); and it is further,

11 **ORDERED AND ADJUDGED** that the asserted claims of the '282 Patent are valid and
 12 enforceable, and that Judgment shall be entered in favor of Takeda and against TWi on all
 13 counterclaims and defenses alleging noninfringement, invalidity, or unenforceability of the'282
 14 Patent; and it is further,

15 **ORDERED AND ADJUDGED** that the Court declines to exercise jurisdiction of
 16 Takeda's declaratory judgment claim against TWi pursuant to 35 U.S.C. § 271(a); and it is further,

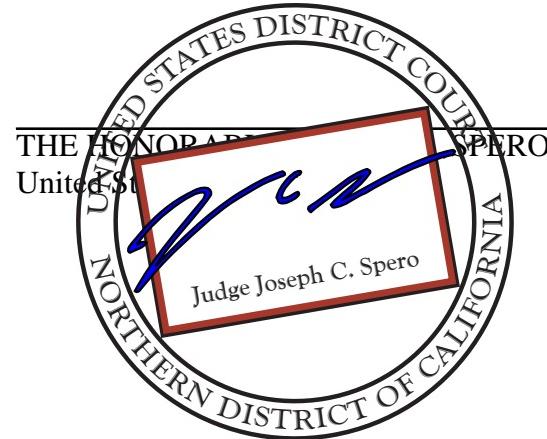
17 **ORDERED AND ADJUDGED**, pursuant to the Court's Order Re Summary Judgment
 18 [D.N. 235] dated April 8, 2013, that Judgment shall be entered in favor of TWi and against Takeda
 19 on Takeda's claim that TWi's proposed products described in ANDA No. 202-666 infringe
 20 asserted claims 2 and 4 of U.S. Patent No. 7,790,755 ("the '755 Patent"); and it is further,

21 **ORDERED AND ADJUDGED** that Judgment shall be entered in favor of TWi and
 22 against Takeda on TWi's counterclaim alleging noninfringement of asserted claims 2 and 4 of the
 23 '755 patent, and that all counterclaims and defenses alleging invalidity and unenforceability of the
 24 '755 Patent are moot; and it is further,

25 **ORDERED** that, pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any approval
 26 by the United States Food and Drug Administration of TWi's proposed products described in
 27 ANDA No. 202-666 shall be a date that is not earlier than the date of expiration of the '282 Patent
 28 (currently, June 15, 2020); and it is further,

1 ~~ORDERED~~ that, pursuant to Civil L.R. 54-1, costs shall be awarded to Takeda. JCS
2

3 DATED: 11/01, 2013
4



5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Presented by,

2 DATED: October 25, 2013

MUNGER, TOLLES & OLSON LLP

3

4 By: /s/ Heather E. Takahashi

5 JEFFREY I. WEINBERGER (SBN 056214)

6 *jeffrey.weinberger@mto.com*

7 TED G. DANE (SBN 143195)

8 *ted.dane@mto.com*

9 HEATHER E. TAKAHASHI (SBN 245845)

10 *heather.takahashi@mto.com*

11 RYAN N. HAGGLUND (*pro hac vice*)

12 *ryan.hagglund@mto.com*

13 MUNGER, TOLLES & OLSON LLP

14 355 South Grand Avenue, 35th Floor

15 Los Angeles, CA 90071-1560

16 Telephone: (213) 683-9100

17 Facsimile: (213) 687-3702

18 TINA W. ARROYO (State Bar No. 272757)

19 *tina.arroyo@mto.com*

20 MUNGER, TOLLES & OLSON LLP

21 560 Mission Street

22 San Francisco, California 94105-2907

23 Telephone: (415) 512-4000

24 Facsimile: (415) 512-4077

25 Attorneys for Plaintiffs

26 TAKEDA PHARMACEUTICAL CO., LTD.,

27 TAKEDA PHARMACEUTICALS NORTH

28 AMERICA, INC., TAKEDA PHARMACEUTICALS

21943711 LLC, AND TAKEDA PHARMACEUTICALS

21943711 AMERICA, INC.